

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL MEMORANDUM

HB 1785 – SB 1790

March 19, 2018

SUMMARY OF ORIGINAL BILL: Prohibits county clerks from issuing marriage licenses to persons under 18 years of age.

FISCAL IMPACT OF ORIGINAL BILL:

Decrease State Revenue – Exceeds \$1,500

Decrease Local Revenue – Exceeds \$1,500

SUMMARY OF AMENDMENT (015551): Deletes and rewrites language of the original bill such that the substantive changes (1) establish a procedure by which a person 17 years of age may petition a juvenile, chancery, or circuit court for permission to marry; and (2) authorize the juvenile, chancery, or circuit court to charge a fee up to \$20 per petition. Such amended changes would be repealed on July 1, 2021, with all the original bill language remaining in effect.

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

Decrease State Revenue – Exceeds \$400/Each FY18-19 through FY20-21
Exceeds \$1,500/FY21-22 and Subsequent Years

Increase Local Revenue – Net Impact - Exceeds \$1,100/Each FY18-19 through FY20-21

Decrease Local Revenue – Exceeds \$1,500/FY21-22 and Subsequent Years

Assumptions for the bill as amended:

- Pursuant to Tenn. Code Ann. § 36-3-105, it is unlawful for any county clerk to issue a marriage license to a person under 16 years of age, unless, pursuant to Tenn. Code Ann. § 36-3-107, a county mayor or judge waives the age requirement and authorizes the county clerk to issue the marriage license.

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- The proposed language would remove the ability of a county mayor or judge to provide consent for persons under 18 years of age to marry and prohibit county clerks from issuing marriage licenses to persons under 18 years of age.
- According to the Department of Health, in 2016 there were 42 grooms and 166 brides who were under 18 years of age at the time of marriage, and from 2012-2016 there was an average of 36 grooms and 183 brides under 18 years of age each year.
- Based on information provided by the Department of Health, from 2012-2017 there was a total of 2 grooms and 15 brides under the age of 16 at the time of marriage, for an average of 3 per year (17 marriages / 5 years). Any impact related to these marriages is estimated to be not significant.
- It is reasonably estimated that 75 percent of persons married between the age of 16 and 18 were 17 years of age.
- The proposed language would create a process by which a person 17 years of age may petition a juvenile, chancery, or circuit court for permission to marry from July 1, 2018, to June 30, 2021.
- According to the Administrative Office of the Courts, the additional workload on courts due to the process established by the proposed language can be absorbed within existing judicial resources.
- Courts may charge a fee no greater than \$20 per petition filed.
- At least 75 persons aged 17 will petition the court for permission to marry and will pay the maximum fee allowable of \$20; resulting in an increase in local revenue estimated to exceed \$1,500 (75 petitions x \$20 each) each year FY18-19, FY19-20, and FY20-21.
- Pursuant to Tenn. Code Ann. § 8-21-701(1), § 36-6-413(b)(2), § 67-4-411(a), § 67-4-502, and § 67-4-505, various taxes and fees are assessed for the issuance of a marriage license.
- Of the various fees and taxes collected, a minimum of \$15 is remitted to local government and minimum of \$15 is remitted to the state.
- Beginning July 1, 2018, the proposed language will result in the non-issuance of at least 25 marriage licenses per year to persons under the age of 17; resulting in a recurring decrease in state government revenue each year FY18-19, FY19-20, and FY20-21 estimated to exceed \$375 (25 licenses x \$15 minimum) and a mandatory recurring decrease in local government revenue each year FY18-19, FY19-20, and FY20-21 estimated to exceed \$375 (25 licenses x \$15 minimum).
- Beginning July 1, 2021, the proposed language will result in the non-issuance of at least 100 marriage licenses per year to persons under the age of 18; resulting in a recurring decrease in state government revenue estimated to exceed \$1,500 (100 licenses x \$15 minimum) and a mandatory recurring decrease in local government revenue estimated to exceed \$1,500 (100 licenses x \$15 minimum) beginning in FY21-22.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in dark ink that reads "Krista M. Lee". The signature is written in a cursive, flowing style.

Krista M. Lee, Executive Director

/jrh